IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 33135 of 2006(T)

PETITIONER:

PANKAJ SUNNY PATTOM,
"PRIYADARSHINI", KULIYELLIKARA P.O.,
ERNAKULAM DISTRICT.

BY ADV. SRI.C.K.KARUNAKARAN,SC,DHANALAKSHMI BAN
SRI.C.E.UNNIKRISHNAN

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY THE CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR,
ERNAKUKLAM.

3. TAHSILDAR (RR),
KANAYANNUR TALUK,
ERNAKULAM DISTRICT.

4. DEPUTY TAHSILDAR (RR),
KANAYANNUR TALUK,
ERNAKULAM DISTRICT.

5. VILLAGE OFFICER,
AMBALLUR VILLAGE,
ERNAKULAM DISTRICT.

6. SALES TAX OFFICER,
II CIRCLE, MATTANCHERRY,
ERNAKULAM.

7. M/S.INTERNATIONAL CREATIVE FOODS LTD.,
REGISTERED OFFICE: AMALGAM HOUSE,
WILLINGTON ISLAND, COCHIN-3.

R1 TO R6 BY GOVERNMENT PLEADER SRI. MOHAMMED RAFIQ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1(a) TRUE COPY OF NOTICE NO. E2 18/06-07/ST DATED 5.6.2006 DEMANDING A SUM OF RS. 17,350.00 AND INTEREST THEREON, AND ISSUED UNDER SECTION 7 OF THE KERALA RR ACT.

EXT.P1(b) TRUE COPY OF NOTICE NO. E 2 30/06-07/ST DATED 5.6.2006 DEMANDING A SUM OF RS. 94,957.00 AND INTEREST THEREON AND ISSUED UNDER SECTION 7 OF THE KERALA RR ACT.

EXT.P1(c) TRUE COPY OF SNOTICE NO. E 2 31/06-07/ST DATED 5.6.2006 DEMANDING A SUM OF RS. 23,595.00 AND INTEREST THEREON AND ISSUED UNDER SECTION 7 OF THE KERALA RR ACT.

EXT.P1(d) TRUE COPY OF THE NOTICE NO. E 2 32/06-07 ST DATED 5.6.2006 DEMANDING A SUM OF RS. 24,601.00 AND INTEREST THEREON, AND ISSUED UNDER SECTION 7 OF THE KERALA RR ACT.

EXT.P1(e) TRUE COPY OF THE NOTICE NO. E 2 33/06-07 ST DATED 5.6.2006 DEMANDING A SUM OF RS. 2,63,335.00 AND INTEREST THEREON, AND ISSUED UNDER SECTION 7 OF THE KERALA RR ACT.

EXT.P1(f) TRUE COPY OF THE NOTICE NO. E 2 34/06-07 ST DATED 5.6.2006 DEMANDING A SUM OF RS. 2,93,389.00 AND INTEREST THEREON, AND ISSUED UNDER SECTION 7 OF THE KERALA RR ACT.

EXT.P1(g) TRUE COPY OF THE NOTICE NO. E 2 35/06-07 ST DATED 5.6.2006 DEMANDING A SUM OF RS. 5,55,196.00 AND INTEREST THEREON, AND ISSUED UNDER SECTION 7 OF THE KERALA RR ACT.

EXT.P1(h) TRUE COPY OF THE NOTICE NO. E 2 36/06-07 ST DATED 5.6.2006 DEMANDING A SUM OF RS. 9,635.00 AND INTEREST THEREON, AND ISSUED UNDER SECTION 7 OF THE KERALA RR ACT

EXT.P1(i) TRUE COPY OF THE NOTICE DATED NIL PURPORTEDLY ISSUED UNDER SECTION 34 OF THE KERALA RR ACT, DEMANDING A SUM OF RS. 36,82,058.00 ALLEGEDLY DUE FROM THE 7TH RESPONDENT FOR VARIOUS PERIODS COMMENCING FROM 1988-89 AND UPTO 2000-01.

EXT.P2 TRUE COPY OF THE CERTIFICATE OF INCORPORATION DATED 29.3.1985 OF THE 7TH RESPONDENT COMPANY.

EXT.P3 TRUE COPY OF PETITIONER'S LETTER DATED 24.6.2006 ADDRESSED TO 4TH AND 5TH RESPONDENTS.

EXT.P4 TRUE COPY OF PETITIONER'S OBJECTION DATED 28.6.2006 SUBMITTED TO RESPONDENTS 2,4 AND 5.

EXT.P5 TRUE COPY OF JUDGMENT DATED 4.7.2006 IN WPC 17218 OF 2006

EXT.P6 TRUE COPY OF LETTER NO. E2 -18/06-07 DATED 31.8.2006 FROSM THE 3RD RESPONDENT DIRECTING THE PETITIONER TO APPEAR FOR A HEARING ON 25.9.2006 BEFORE THE 4TH RESPONDENT.

EXT.P7 TRUE COPY OF WRITTEN SUBMISSION DATED 25.9.2006 MADE BEFORE THE 4TH RESPONDENT.

EXT.P8 TRUE COPY OF PROCEEDINGS NO. E2-18/06-07/ST DATED 28.10.2006 OF THIRD RESPONDENT.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 33135 OF 2007

Dated this the 25th day of June, 2007

JUDGMENT

Since Government Pleader submitted that recovery proceedings against the petitioner is initiated under mistake and actual defaulter, which is the company is proceeded against, W.P. is closed vacating recovery proceedings against petitioner.

(C.N.RAMACHANDRAN NAIR)
Judge